

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

M.KATHLEEN McKINNEY, Regional)	
Director of Region 15 of the)	
National Labor Relations Board,)	
for and on behalf of the)	
NATIONAL LABOR RELATIONS BOARD,)	
)	
Petitioner,)	
)	
vs.)	No. 14-2272
)	
KELLOGG COMPANY,)	
)	
Respondent.)	

ORDER

Before the Court is the August 19, 2014 Motion to Dissolve, Modify, or Stay Section 10(j) Injunction Order (the "Motion"), filed by Kellogg Company ("Respondent"). (Mot. Dissolv., ECF No. 68.) Respondent seeks expedited briefing and consideration. (Id. at 17.) On August 22, 2014, M. Kathleen McKinney, Regional Director, for and on behalf of the National Labor Relations Board ("Petitioner") responded to Respondent's request for expedited consideration. (Resp., ECF No. 69.)

Respondent asserts that it is filing a notice of appeal that would become effective after the Court rules on the Motion and seeks expedited briefing and consideration because "it presents the Court with the opportunity to consider the impact

of the ALJ's decision on the merits before an appeal." (Mot. Dissolv., ECF No. 68 at 17.) Petitioner contends that Respondent has not shown a need for expedited briefing and that Respondent's right to appeal the July 30 injunction would not be prejudiced by allowing Petitioner the normal time to respond to the Motion. (Resp., ECF No. 69.)

Petitioner's argument is well taken. As noted by Respondent, its notice of appeal would become effective after the Court rules on its Motion. Respondent would not be prejudiced by allowing Petitioner the normal time to respond to the Motion. Petitioner has 14 days to respond under Local Rule 7.2(a)(2). Petitioner has until and including September 2, 2014, to file her response.

Petitioner's request that the filing date for her response to the Motion remain Tuesday, September 2, 2014, is GRANTED. Respondent's request for expedited briefing and consideration is DENIED to the extent that it seeks to shorten the time allowed Petitioner to file a response to the Motion. The Court will consider all other aspects of the Motion, including the need for expedited consideration, after hearing from Petitioner.

It is so ORDERED this 22d day of August, 2014.

s/ Samuel H. Mays, Jr. _____
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE